

Kasell Law Firm

December 8, 2025

Magistrate Judge James R. Cho
United States District Court
225 Cadman Plaza East, Room 1227 South
Brooklyn, NY 11201

Re: *Graziano et al. v. MBLIC Motors LLC et al.*, 25 Civ. 02943 (NGG) (JRC)

Your Honor:

This firm represents Plaintiffs Anthony and Joanne Graziano in the above-referenced action. I write regarding the Court's November 19, 2025, Scheduling Order directing defendants to file a response to Plaintiffs' motion to compel mediation by December 3, 2025. *See* Dkt. 19 (motion to compel).

To date (five days past the deadline ordered by the Court), no response has been filed, and Plaintiffs have received no communication addressing the motion. When I contacted counsel for MB LIC Motors LLC about the missed deadline at 1:50 p.m. today, I received only a one-word response: "deposition."

No further explanation or response has been provided by counsel for defendants at any time.

Defense counsel's failure to comply with a direct Order of the Court is now causing additional delay in a matter that has already required repeated efforts to secure defendants' participation in the mediation process. As reflected in prior correspondence, Plaintiffs have sought defendants' selection of three "consumer roster" mediators so that mediation can proceed efficiently. Defendants continued non-responsiveness—both before and after the Court's Scheduling Order—prevents the case from moving forward.

Plaintiffs respectfully request that Defense Counsel be sanctioned for the 0.3 hours it has taken to prepare this letter at a rate of \$600 an hour for a total of \$180 and, in addition, the Court take whatever action is needed to allow the case to proceed forward.

Respectfully submitted,
/s/ David Kasell
David M. Kasell, Esq.
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Attorneys for Plaintiffs